

OFFICE OF THE ATTORNEY GENERAL

86-00134



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

JAN 28 1986

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

Honorable Regina Brown
Secretary-Treasurer
Collinsville Water Works Board
P. O. Box 377
Collinsville, AL 35961

Municipalities - Water and Sewer
Boards - Mayors - Officers and
Officer - Employees, Employers,
Employment

Role of mayor as superintendent
of utilities discussed.

Dear Ms. Brown:

The opinion request of the Collinsville Water Works Board relating to the position of superintendent of utilities has been received in the Office of the Attorney General. Your first question is:

"If the Mayor is hired, will his duties be those listed in the Code of Alabama, or can his duties and hours be those given to him by the Board?

Code of Alabama 1975, § 11-43-80, sets forth the duties of the mayor, when acting as superintendent, in terms of "shall". Therefore, it is the opinion of this office that such duties are mandatory and may not be modified by the Board. It should be noted that in many instances these duties are supervisory, in nature, and other persons including the certified operator, could work under the superintendent. Section 11-43-80 does provide that the Board may employ the mayor as superintendent and "to give so much of his time thereto as such board or corporation may direct".

Your second question is whether the fact that the Water Works is a corporation separate from the Town makes any

difference in our response to your first question. The answer is no.

Your third question is:

"If the Water Works presently has as their Superintendent the Certified Operator, can they have two (2)?"

There is no authority for having two superintendents.

The fourth question is:

"If hired, will the Mayor have total authority and can he make decisions concerning the system even though he is not certified in Water and Wastewater?"

The statutory duties of the mayor, acting as superintendent are set forth in Code of Alabama 1975, § 11-43-80. Certainly those duties empower him with some authority in the management of the water works. He is required to "see that the system or systems are kept in proper repair and operation." However, the ultimate responsibility for the management of the system rests with the Board. Furthermore, input from the certified operator would be necessary in reaching decisions.

Lastly, Code of Alabama 1975, § 11-43-80 provides that the mayor is to be hired by resolution. Absent some particular provisions in the specific statute governing your corporation, a majority vote would be sufficient.

I do hope that this response sufficiently answers your inquiry. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By:



CAROL JEAN SMITH
Assistant Attorney General

CAG/CJS/pd